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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/569,225

Applicant(s)

BOZIO ET AL.

Examiner

AMJAD ABRAHAM

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-840)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a non-final office action in response to a request for continued examination filed on March 1, 2011. Claims 38, 44, and 61 are currently amended. Claims 38-62 are still pending review in this action.

New Grounds of Rejection

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 38-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gajewski (USP No. 5,618,485) in view of Schoemann et al. (USP No. 7,060,215) in further view of Usui et al. (USP No. 5,947,511).

1. Regarding claim 38, Gajewski teaches a method of making a molded article for a vehicle interior. **(See abstract).**

a. Gajewski goes on to teach the method comprising:

i. Providing a mold having a first mold section, a second mold section, and a shut-off member. **(See column 5 line 44 to column 7 line 11).**

- (1) First mold section → **See part 44 of figure 3.**
- (2) Second mold section → **See part 42 of figure 3.**
- (3) Shut-off member → **See parts 48 and 50 of figure 3.**
- (4) A-surface of first mold section → **See mold surface of part 44 in figure 3.**
- (5) B-surface of second mold section → **See mold surface of part 42 of figure 3.**
- (6) Shut-off member disposed in the second mold section → **See parts 48 and 50 disposed in part 42 of figure 3.**
- (7) Shut-off member movable between two positions: an extended and a retracted position → **See position of shut-off members (48 and 50) in figures 4-15 and column 5 lines 44-62.**

(8) Shut-off member has a forward surface, a first and second side surface, and an angled surface that extends entirely between the forward surface and the first side surface→**See configuration of part 48 in figures 3, 5, 7, 9, 11, 13, and 15.**

(a) The angled surface extends from the forward section through two angled section (a 90 degree then 45 degree angle) to the first side surface.

b. Injecting a resin into the first cavity which is defined by the first mold section, the second mold section, and the first side of the shut-off member in the first position.

i. **See figures 5, 7, 9, 11, 13, and 15.**

ii. **See also column 6 line 39 to column 7 line 11.**

(1) Gajewski teaches wherein part 48 is extended to form a cavity which is defined by a first side surface (68), the 1st mold section (44), and the second mold section (part 80 which is angled wall of lower mold (42)). **(See figure 5).**

c. Retracting the shut-off member into the second mold section. **(See column 6 lines 49-55 and figures 8-9).** This retraction defines a second cavity defined by the first mold section, the second mold section, the first resin, the first side surface of the shut-off member, and the angled surface of the shut-off member in the second position. **(See figure 9 and column 6 lines 55-67).**

- iii. In figure 9 of Gajewski, the retracted shut-off member (48) creates the second cavity defined by the first and second mold sections (part 42 and 44), the first resin (90), the angled surface of the shut-off member (70), and a side surface of the shut-off member (parts 64 and 68). **(See figures 5 and 9).**
- d. Injecting the second resin into the second cavity. **(See figures 11 and 13 and column 6 line 64 to column 7 line 11).**
 - iv. The formed product on the A-surface side (mold surface side of part 44 in figure 3) is defined by the 1st and 2nd resin and the interface between the 1st and 2nd resin.
 - a. With respect to claim 38, Gajewski does not expressly teach wherein the injection of the second resin obscures the interface between the 1st and 2nd resin from an occupant of the vehicle interior by using an angled shut-off member.
 - b. However, Schoemann teaches wherein the upper surface is provided at a sufficiently flat angle relative to vertical by the angled surface of the shut-off member to obscure the interface between the first resin and the second resin from an occupant of the vehicle interior. **(Schoemann teaches a method for making a vehicle trim panel. Schoemann practices a similar concept as applied by applicant's invention and Takeuch as a multiple component trim is made in a common mold assembly by way of utilizing a movable mold element (i.e. a parting plate or a shut-off member). Schoemann goes on to disclose that the**

movable mold element can be modified in a way that imparts an angle to the movable mold element. The stated use of angles and alteration to the movable mold element is to allow one resin material to be over-molded onto the other resin material. Although not readily disclosed in Schoemann it would have been obvious to one having the ordinary skill in the art to angle the movable mold element (shut-off member) in such a way to allow the upper surface to be at a flat surface so that a vehicle owner can only see the resin material which is aesthetically and/or tactilely pleasing.) See abstract and/or column 1 lines 28-57.

- ii. Schoemann builds on Gajewski's invention by allowing transition portion of the resin material to be angled and thereby hiding the unwanted resin from being shown to the end user. Therefore, it would have been obvious to combine Gajewski with Schoemann to make the invention as disclosed in claim 38 because one would have been motivated to create a final product which is aesthetically pleasing to an end user.
- c. With respect to claim 38, the combination of Gajewski and Schoemann does not expressly teach wherein a recess is formed in the A Surface which is visible to a vehicle occupant.
- d. However, Usui which is an analogous art in the same field of endeavor of forming an air bag cover teaches that a resin junction can be hidden while leaving a weakened section (recessed section 6) on the

exposed side of an air bag cover. **(See abstract and figures 9-18 and column 11 lines 1-67).**

- iii. Usui teaches that by using shut-off members to block and form cavities of a multi-part article a recess can be formed on the A-surface which hides the junction of both materials making the article aesthetically pleasing to the consumer. It would have been obvious to one having the ordinary skill in the art that using the process of Usui in conjunction with Gajewski would allow the airbag cover to be formed without additional skin or foam material which are used to hide the junction between the two materials.
4. Regarding claim 39, Gajewski teaches wherein the first resin is at least partially solidified when the second resin is injected. **(See column 6 lines 49-55).**
5. Regarding claim 40, Gajewski does not specifically teach further comprising a space between the shut-off member and the second mold section when the shut-off member is in the first position so that air can escape from the first cavity to the second cavity during the step of injecting the first resin into the first cavity. **(However, it is well known in the art to leave a gap, vent, or crevice to allow air to escape during injection. This is done to eliminate air bubble formation in an injection molded part. For example see drawing 1 in Haruhiko et al. (Japanese Patent Publication 2002-187166—made of record by the applicant) disclosing T1 which is a gap between the Shut-off member and the mold surface.)**

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6. Regarding claims 41-43, Gajewski does not expressly teach wherein: (1) wherein the first resin comprises a first color and the second resin comprises a second color different than the first color; (2) wherein the first resin comprises at least one of a thermoplastic material, a thermoset material, or an elastomer material; and (3) wherein the second resin comprises at least one of a thermoplastic material, a thermoset material, or an elastomer material.

e. However, Schoemann teaches wherein the over-molded sections can include multiple colors, thermoplastic materials, and elastomers. **(See column 4 lines 23-51).**

f. It would have been obvious to one having the ordinary skill in the art to use different materials to impart different functionality to the molded sections as car interior components must serve various functions.

2. Regarding claim 44, Gajewski teaches a method of making a molded article for a vehicle interior. **(See abstract).**

e. Gajewski goes on to teach the method comprising:

iv. Providing a mold having a first mold section, a second mold section, and a shut-off member. **(See column 5 line 44 to column 7 line 11).**

(9) First mold section → **See part 44 of figure 3.**

(10) Second mold section → **See part 42 of figure 3.**

(11) A first and second shut-off member → **See parts 48 and 50 of figure 3.**

- (12) A-surface of first mold section→ **See mold surface of part 44 in figure 3.**
 - (13) B-surface of second mold section→ **See mold surface of part 42 of figure 3.**
 - (14) Shut-off member disposed in the second mold section→ **See parts 48 and 50 disposed in part 42 of figure 3.**
 - (15) Shut-off member movable between two positions: an extended and a retracted position→**See position of shut-off members (48 and 50) in figures 4-15 and column 5 lines 44-62.**
 - (16) Shut-off member has a forward surface, a first and second side surface, and an angled surface that extends between the forward surface and the first side surface→**See configuration of part 48 in figures 3, 5, 7, 9, 11, 13, and 15.**
- f. Injecting a resin into the first cavity which is defined by the first mold section, the second mold section, and the first and second shut-off member in the first position.
- v. **See figures 5, 7, 9, 11, 13, and 15.**
 - vi. **See also column 6 line 39 to column 7 line 11.**
- (2) Gajewski teaches wherein part 48 is extended to form a cavity which is defined by a first side surface (68), the 1st

mold section (44), and the second mold section (part 80

which is angled wall of lower mold (42)). **(See figure 5).**

g. Retracting the shut-off members into the second mold section. **(See column 6 lines 49-55 and figures 8-9).** This retraction defines a second cavity defined by the first mold section, the second mold section, the first resin, the first and second shut-off member in the second position. **(See figure 9 and column 6 lines 55-67).**

vii. In figure 9 of Gajewski, the retracted shut-off member (48) creates the second cavity defined by the first and second mold sections (part 42 and 44), the first resin (90), the angled surface of the shut-off member (70), and a side surface of the shut-off member (parts 64 and 68). **(See figures 5 and 9).**

h. Injecting the second resin into the second cavity. **(See figures 11 and 13 and column 6 line 64 to column 7 line 11).**

viii. The formed product on the A-surface side (mold surface side of part 44 in figure 3) is defined by the 1st and 2nd resin and the interface between the 1st and 2nd resin.

i. Regarding claim 44, Gajewski does not explicitly teach: (1) moving the second shut-off member to the second position to define a third cavity without moving the first mold section relative to the second mold section wherein the third cavity is defined by the first mold section; and (2) and injecting a third resin into the third cavity.

j. However, Schoemann teaches: (1) a second shut-off member; (2) wherein the second shut-off member acts to define a cavity; (3) moving the second shut-off member to the second position to define a third cavity without moving the first mold section relative to the second mold section wherein the third cavity is defined by the first mold section; and (4) and injecting a third resin into the third cavity. (See column 10 lines 58-67 disclosing that "it will be appreciated that a mold assembly adapted to manufacture a trim component in accordance with the method of this invention can include any desirable number of movable cores which define any number of cavities." In sum, Schoemann teaches that a second shut off member can be utilized to create a third cavity in which a third resin is injected into. Schoemann goes on to teach that a first, second, and third material are used to form the trim component. (See column 10 lines 1-8).

k. It would have been obvious to one having the ordinary skill in the art at the time of invention was made to add multiple shut-off elements (movable cores), since it has been held that the mere duplication of essential working parts involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

g. With respect to claim 44, the combination of Gajewski and Schoemann does not expressly teach wherein the A Surface which is visible to a vehicle occupant.

- h. However, Usui which is an analogous art in the same field of endeavor of forming an air bag cover teaches that a resin junction can be hidden while leaving a weakened section (recessed section 6) on the exposed side of an air bag cover. **(See abstract and figures 9-18 and column 11 lines 1-67).**
- v. Usui teaches that by using shut-off members to block and form cavities of a multi-part article a recess can be formed on the A-surface which hides the junction of both materials making the article aesthetically pleasing to the consumer. It would have been obvious to one having the ordinary skill in the art that using the process of Usui in conjunction with Gajewski would allow the airbag cover to be formed without additional skin or foam material which are used to hide the junction between the two materials.
7. Regarding claim 45, Gajewski teaches wherein moving the first shut-off member between the first position and the second position comprises translating movement. **(See parts 54 and 56 of figure 3 and column 5 lines 45-62 disclosing that a hydraulic means is used to actuate (translate) the shut-off members (48 and 50).**
8. Regarding claim 46, Gajewski teaches wherein the shut-off members are positioned in the second mold section. **(See figure 3 showing parts 48 and 50 in part 42).**
9. Regarding claim 47-48, Gajewski does not specifically teach: (1) further comprising a gap between the first shut-off member and the second mold section

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when the first shut-off member in the first position; and (2) wherein the gap is configured to provide a vent to allow air to escape the first mold cavity when injecting the first resin into the first cavity. (However, it is well known in the art to leave a gap, vent, or crevice to allow air to escape during injection. This is done to eliminate air bubble formation in an injection molded part. For example see drawing 1 in Haruhiko et al. (Japanese Patent Publication 2002-187166—made of record by the applicant) disclosing T1 which is a gap between the Shut-off member and the mold surface.)

10. Regarding claims 49-50, Gajewski teaches bonding (the first resin to the second resin (See figure 11). However, Gajewski does not specifically teach: (1) further comprising the step of bonding the third resin to the first resin and (2) wherein bonding the second resin to the first resin comprises fusion bonding and bonding the third resin to the first resin comprises fusion bonding. (The objective in the art of molding multiple resin materials together in a single mold is to bond the materials without any additional means (i.e. adhesion or mechanical structure). Fusion bonding typically occurs in injection molding operations as a high contact force (pressure) causes the substrates to hold together. Furthermore, given the limited number of methods of bonding multiple resins in one mold (i.e. adhesive, mechanical, or fusion, it would have been obvious to one having the ordinary skill in the art to try fusion bonding. KSR v. Teleflex 82 USPQ2d 1385)

- i. As Schoemann teaches that any number of mold cores can be used to male different cavities it would have been obvious to one having

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the ordinary skill in the art to use various materials in each cavity to make a multi-functional component.

11. Regarding claims 51-53, Gajewski does not expressly teach wherein: (1) wherein the first resin comprises a first color and the second resin comprises a second color different than the first color; (2) wherein the first resin comprises at least one of a thermoplastic material, a thermoset material, or an elastomer material; and (3) wherein the second resin comprises at least one of a thermoplastic material, a thermoset material, or a elastomer material.

j. However, Schoemann teaches wherein the over-molded sections can include multiple colors, thermoplastic materials, and elastomers. **(See column 4 lines 23-51).**

k. It would have been obvious to one having the ordinary skill in the art to use different materials to impart different functionality to the molded sections as car interior components must serve various functions.

12. Regarding claim 54, Gajewski teaches wherein the shut-off members move at the same time. **(See column 6 lines 39-67 and figure 3).**

13. Regarding claims 55-57, Gajewski does not teach: (1) wherein the first shut-off member moves before the second shut-off member; (2) wherein moving the first shut-off member comprises moving the first shut-off member in a first direction and moving the second shut-off member comprises moving the second shut-off member in a second direction that is parallel to the first direction; and (3) wherein moving the first shut-off member comprises moving the first shut-off member in a first direction and moving the second shut-off member comprises

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moving the second shut-off member in a second direction that is not parallel to the first direction.

- I. However, Schoemann at column 10 lines 58- 67, discloses that any number of movable mold cores can be used to create any number of cavities. Also see Figure 15, showing that the movable mold core can be at an angle. It would have been obvious to one having the ordinary skill in the art to create multiple movable mold cores (shut-off members) that each had their own drive mechanism to enable the process to be controlled more efficiently. Designating the positions in which the movable mold cores are held in is a conventional design consideration that would have been made by one having the ordinary skill in the art.
14. Regarding claim 58, Gajewski teaches wherein the 1st and 2nd resin have different properties. **(See column 2 lines 26-41).**
15. Regarding claims 59, Gajewski does not expressly teach wherein the 1st resin comprises a 1st color and the second color comprises a second color different from the 1st color.
 - m. However, Schoemann teaches wherein the over-molded sections can include multiple colors, thermoplastic materials, and elastomers. **(See column 4 lines 23-51).**
 - n. It would have been obvious to one having the ordinary skill in the art to use different materials to impart different functionality to the molded sections as car interior components must serve various functions.

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16. Regarding claim 60. Gajewski does not expressly teach wherein at least one of the first resin and the second resin comprises a material property different than the third resin.

o. However, Schoemann teaches wherein the over-molded sections can include multiple colors, thermoplastic materials, and elastomers. **(See column 4 lines 23-51).**

p. It would have been obvious to one having the ordinary skill in the art to use different materials to impart different functionality to the molded sections as car interior components must serve various functions.

17. Claims 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gajewski (USP No. 5,618,485) in view of Usui et al. (USP No. 5,947,511).
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18. Regarding claim 61, Gajewski teaches a method of making a molded article for a vehicle interior. **(See abstract).**

l. Gajewski goes on to teach the method comprising:

vi. Providing a mold having a first mold section, a second mold section, and a shut-off member. **(See column 5 line 44 to column 7 line 11).**

(17) First mold section→ **See part 44 of figure 3.**

(18) Second mold section→ **See part 42 of figure 3.**

(19) A first and second shut-off member→ **See parts 48 and 50 of figure 3.**

(20) A-surface of first mold section→ **See mold surface of part 44 in figure 3.**

(21) B-surface of second mold section→ **See mold surface of part 42 of figure 3.**

(22) Shut-off member disposed in the second mold section→ **See parts 48 and 50 disposed in part 42 of figure 3.**

(23) Shut-off member movable between two positions: an extended and a retracted position→**See position of shut-off members (48 and 50) in figures 4-15 and column 5 lines 44-62.**

(24) Shut-off member has a forward surface, a first and second side surface, and an angled surface that extends between the forward surface and the first side surface→**See configuration of part 48 in figures 3, 5, 7, 9, 11, 13, and 15.**

m. Injecting a resin into the first cavity which is defined by the first mold section, the second mold section, and the first and second shut-off member in the first position.

ix. **See figures 5, 7, 9, 11, 13, and 15.**

x. **See also column 6 line 39 to column 7 line 11.**

(3) Gajewski teaches wherein part 48 is extended to form a cavity which is defined by a first side surface (68), the 1st

mold section (44), and the second mold section (part 80

which is angled wall of lower mold (42)). **(See figure 5).**

n. Retracting the shut-off members into the second mold section. **(See column 6 lines 49-55 and figures 8-9).** This retraction defines a second cavity defined by the first mold section, the second mold section, the first resin, the first and second shut-off member in the second position. **(See figure 9 and column 6 lines 55-67).**

xi. In figure 9 of Gajewski, the retracted shut-off member (48) creates the second cavity defined by the first and second mold sections (part 42 and 44), the first resin (90), the angled surface of the shut-off member (70), and a side surface of the shut-off member (parts 64 and 68). **(See figures 5 and 9).**

o. Injecting the second resin into the second cavity. **(See figures 11 and 13 and column 6 line 64 to column 7 line 11).**

xii. The formed product on the A-surface side (mold surface side of part 44 in figure 3) is defined by the 1st and 2nd resin and the interface between the 1st and 2nd resin.

p. With respect to claim 61, Gajewski does not expressly teach wherein the A surface is configured to be visible to a vehicle occupant.

q. However, Usui which is an analogous art in the same field of endeavor of forming an air bag cover teaches that a resin junction can be hidden while leaving a weakened section on the exposed side of an air bag cover. **(See abstract and figures 9-18 and column 11 lines 1-67).**

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xiii. Usui teaches that by using shut-off members to block and form cavities of a multi-part article a recess can be formed on the A-surface which hides the junction of both materials making the article aesthetically pleasing to the consumer. It would have been obvious to one having the ordinary skill in the art that using the process of Usui in conjunction with Gajewski would allow the airbag cover to be formed without additional skin or foam material which are used to hide the junction between the two materials.

3. Regarding claim 62, Gajewski teaches wherein the first resin has a thickness between the first mold section and the second shut-off member and a second wall thickness between the first wall thickness and the second shut-off member. **(See figures 11 and 13).**

Response to Arguments

4. Applicant's arguments with respect to claims 38-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMJAD ABRAHAM whose telephone number is (571)270-7058. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:00 PM Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogendra N Gupta/
Supervisory Patent Examiner, Art Unit 1744

AAA